

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Social Welfare – West Godavari District – Eluru Mandal and Village non Municipal Area – Release of Rs.26,36,962/- towards decretal charges for acquisition of land of Ac.2.33 ¼ cents (11,289 Sq.Yards) in RS.No.780, 781/A for provision of house sites to weaker sections in OP.NO.70/84 — Permission accorded - Orders - Issued.

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SOCIAL WELFARE (LA) DEPARTMENT

G.O.RT.NO. 877

Dated :10-12-2008

Read the following :

- 1 From the District Collector, West Godavari, Letter No.F5/SW/37/2005, dated.31/12/2005.
2. From the Commissioner of Social Welfare, Andhra Pradesh, Hyderabad, Letter Rc.No.LA3/589/2006, dated.22-09-2006.
3. Govt. Memo.No.11673/LA(1)/2006-2, S.W. Dept., Dt.23-11-2006.
4. From the District Collector, West Godavari, Letter No.SW/37/2005(G1), dated.24-10-2007.
5. The Commissioner of Social Welfare, AP, Hyderabad, Letter Rc.No.LA3/589/2006, dated.16-11-2007.
6. From the Government Pleader for Appeals, High Court, Hyderabad, Letter No. OP No.70/84/A2, dated.18-6-2008.

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ORDER :

The Commissioner of Social Welfare, Andhra Pradesh, Hyderabad, in his letter 2nd and 5th read above, while forwarding the proposal of the District Collector, West Godavari, in his letters 1st and 4th read above, has requested the Government to release an amount of Rs.26,36,962/- towards decretal charges for the land acquired for an extent of Ac.2.33 ¼ cents in Eluru Town in EP No.146/2004 in OP No.70/84, to comply with the orders of the Hon'ble High Court.

2. The Land Acquisition Officer, has acquired the land to an extent of Ac.2.33 ¼ cents for provision of house sites in RS.NO.780, 781/1A of Eluru Town and Mandal and passed Award No.7/82-83, dated.20-12-1982 and fixed the market value @ Rs.42,350/- per acre. The land owners filed before the lower Court, under Section 18 of Land Acquisition Act, and the Court, in its orders dated.22-10-2002 in OP.NO.70/84 has enhanced the market value to Rs.50/- and allowed other statutory benefits. The Land Acquisition Officer has filed appeal in High Court of Andhra Pradesh. The Hon'ble High Court in its order in LA.ASMP.NO.2665/2005 in AS.NO.2135/2003 has made the following order :

“There shall be an interim stay subject to the condition of the Petitioner-Appellant depositing half of the awarded amount on or before 30-10-2005, failing which, the petition shall stand dismissed without further reference to the Court. However, it is made clear that the respondents – Claimants is/are entitled to withdraw the amount so deposited without furnishing any security and such withdrawal is subject to the result of the Appeal. It is needless to clarify that the petitioner- Appellant are bound to deposit the amount in terms of the directions without effecting any deductions whatsoever purporting it to be under the provisions of Section 194-A of the Income Tax .”

3. Further the Hon'ble High Court in its ORDER in LA.ASMP.NO.1415/2006 in AS.NO.2135/2003, dated.8/6/2006 has made the following order

“time is extended by four weeks from today, in default stay stands without any further orders”.

(PTO)

4. The District Collector, West Godavari, has reported that the G.P. has opined that the E.P. is filed for sale of the movable properties of the Government and requested for taking immediate steps to deposit the decretal charges in the Court to comply the orders. Accordingly, the District Collector, West Godavari has submitted proposals for release of an amount of Rs.24,92,870/-to comply with the Court orders.

5. The Assistant Government Pleader, Eluru, in her letter dated.13/11/2005 has opined as follows :

“No amount was deposited into Court by 30-10-2005 as ordered by the Hon'ble High Court, the Court here at Eluru, treated that the stay granted by the High Court as deemed vacated and posted the matter to 16-12-2005 for filing of counter in attachment Notice. Therefore, take immediate steps to deposit the decree debt into Court to avoid sale of movable properties of Government or deposit half of the decree amount as ordered by the Hon'ble High Court”.

6. In this connection, the District Collector, West Godavari, Eluru, has submitted proposals for the total amount is Rs.24,92,870/- instead of half of the amount, on the ground that the decree amount was not deposited in time. In this regard the G.P. for Appeals, High Court of A.P. has been requested to clarify in the matter vide Govt., Memo. 3rd read above.

7. Meanwhile, the Finance Dept., have issued certain instructions regarding calculation of decretal charges and all the District Collectors in the State have been instructed to furnish revised calculation sheets, vide Govt. Memo. No.2572/LA.1/2005-4, dated.2-5-2007.

8. Further, the Commissioner of Social Welfare, AP, Hyderabad in his letter 5th read above, has reported that the District Collector, West Godavari has furnished revised calculation sheet and requested the Government to release an amount of Rs.26,36,962/- to comply with the orders of Hon'ble Court in EP No.146/2004 in OP No.70/84. The G.P. for Appeals, High Court of A.P. in his letter 6th read above, has opined that the Hon'ble High Court issued interim stay in AS No.2135/2003 on condition of depositing 50% of the decretal amount on or before 30-10-2005 and advised that as the said amount is not yet deposited there is no option but to deposit the entire compensation before lower Court.

9. In view of the above circumstances, Government after careful examination hereby accord permission to the Commissioner of Social Welfare, AP, Hyderabad to release an amount of Rs.26,36,962/- (Rupees twenty six lakhs thirty six thousands nine hundred and sixty two only) to the District Collector, West Godavari towards decretal charges for acquisition of land of Ac.2.33 ¼ cents (11,289 sq. yards) in RS No.780 and 781/1A of Eluru town & Mandal, West Godavari District, to comply with court orders in EP No.146/2004 on OP No.70/1984,.

10. The expenditure sanctioned in para (9) above shall be debited to “2225- Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes -01 Welfare of Scheduled Castes – M.H.283- Housing – GH.11- Normal State Plan – SH (08) Acquisition of House sites to weaker sections under Indiramma Programme -310 – Grants-in-aid -312 -Other grants-in-aid.”

11. The Commissioner of Social Welfare, Hyderabad, is requested to issue necessary proceedings to the District Collector, West Godavari to deposit the amount sanctioned above to comply with the orders of the Court.

12. The District Collector, West Godavari, is requested to verify the calculation sheet submitted by the Land Acquisition Officer once again before issue of proceedings for

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releasing the amount. If any discrepancy/excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

13. This order issues with the concurrence of Finance (Exp.SW) Department vide their U.O.No.29547/501/A1/Expr.SW/08, Dated.27-11-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner of Social Welfare, A.P. Hyderabad.

The District Collector, West Godavari, Eluru.

Copy to :

The Director of Treasuries and Accounts, Andhra Pradesh, Hyderabad.

The Pay and Accounts Officer, Hyderabad.

The Accountant General, A.P, Hyderabad.

The District Treasury Officer, West Godavari. Eluru

The Finance (Exp.SW) /(BG) Department.

Stock file / spare copies.

//FORWARDED::BY ORDER//

SECTION OFFICER